

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

WILDCAT LICENSING WI, LLC,)	
a Wisconsin Limited Liability Company,)	
)	
Plaintiff and)	Case No.: 3:13-cv-00328-wmc
Counterclaim Defendant,)	
)	
vs)	JURY TRIAL DEMANDED
)	
JOHNSON CONTROLS, INC.,)	Judge William M. Conley
a Wisconsin Corporation,)	Magistrate Judge Stephen L. Crocker
)	
Defendant and)	
Counterclaim Plaintiff.)	

**JOINT STIPULATION ON LIMITED DISCOVERY DURING THE STAY OF
LITIGATION PENDING *INTER PARTES* REVIEW**

WHEREAS, on December 27, 2013, Defendant Johnson Controls, Inc. (“JCI”) filed two petitions for *inter partes* review (“JCI’s Petitions”) seeking review of all of the asserted patent claims at issue in this litigation (i.e., U.S. Patent Nos. 6,763,573, claims 24 and 25; and U.S. Patent No. 7,062,831, claims 22–28).

WHEREAS, Plaintiff Wildcat Licensing WI, LLC (“Wildcat”) and JCI agree that it would be in the best interests of the Parties and the Court to stay proceedings in this case, as set forth in this present Joint Stipulation.

WHEREAS, contemporaneously with the filing of this Joint Stipulation, Wildcat and JCI filed the Joint Motion of Wildcat Licensing WI, LLC and Johnson Controls, Inc. to Stay Proceedings Pending *Inter Partes* Review (the “Joint Motion”).

WHEREAS, based upon the Joint Motion, the Parties have agreed to a tailored stay of the present litigation, as set forth below:

IT IS HEREBY STIPULATED AND AGREED, by the Parties hereto, through the undersigned counsel, subject to the approval of the Court, as follows:

1. All discovery and proceedings, except for the limited discovery in 2 and 3 below, in this case shall be stayed on the following conditions:
 - a. if the Patent Office decision grants JCI's Petitions on all of the asserted claims, then this case shall be stayed until a final written decision in the *inter partes* review under 35 U.S.C. § 318(a) is rendered, at which point the stay shall continue and the Parties shall advise the Court of the final written decision and propose a case schedule and/or continued stay;
 - b. if the Patent Office decision denies JCI's Petitions as to all of the asserted claims, then the stay shall be lifted and the Parties shall advise the Court of the Patent Office decision and propose a case schedule and/or continued stay;
 - c. if the Patent Office decision grants JCI's Petitions as to some but not all of the asserted claims, the stay shall continue and the Parties shall advise the Court of the Patent Office decision and propose a case schedule and/or continued stay.
2. The discovery sought under Topic 3 of Wildcat's Second Notice of 30(b)(6) Deposition of Johnson Controls, Inc., served December 13, 2013, shall take place on the condition that the scope of Topic 3 is limited to JCI's "Standards" as that term is defined in Wildcat's notice, and does not encompass plant-specific operations and policies. Wildcat reserves the right to take discovery on the remaining topics in Wildcat's Second Notice of 30(b)(6) Deposition after the stay is lifted, and JCI reserves the right to object to such topics. Wildcat shall be

permitted to conduct reasonable follow-up discovery that relates directly to testimony provided during the Rule 30(b)(6) deposition. In the event the Parties have a dispute regarding this discovery and cannot resolve this dispute, the Parties may raise the issue with the Court.

3. The discovery sought under the document subpoenas to Michael A. Walt II and Samuel A. Walt (“the Named Inventors”), served on December 16, 2013, shall take place. JCI shall be permitted to conduct reasonable document production follow-up discovery that relates directly to the document subpoenas. In the event the Parties have a dispute regarding this discovery and cannot resolve this dispute, the Parties may raise the issue with the Court.

Dated: January 17, 2014

/s/ Thomas G. Pasternak

Thomas G. Pasternak
Glen P. Belvis
Randal S. Alexander
Steptoe & Johnson LLP
115 South LaSalle Street, Suite 3100
Chicago, IL 60603
Telephone: (312) 577-1300
Facsimile: (312) 577-1370
tpasternak@steptoe.com
gbelvis@steptoe.com
ralexander@steptoe.com

Attorneys for Wildcat Licensing WI, LLC

/s/ Jeffrey A. Simmons

Jeffrey A. Simmons, SBN 1031984
FOLEY & LARDNER LLP
150 E. Gilman Street
Madison, WI 53703
Telephone: (608) 257-5035
Facsimile: (608) 258-4258
jsimmons@foley.com

Peter B. Bensinger, Jr.
Matthew W. Brewer
Katherine A. Roin
Bartlit Beck Herman Palenchar & Scott LLP
54 W. Hubbard Street, Suite 300
Chicago, IL 60654
Telephone: 312-494-4400
Facsimile: 312-494-4440
peter.bensinger@bartlit-beck.com
matthew.brewer@bartlit-beck.com
kate.roin@bartlit-beck.com

Attorneys for Johnson Controls, Inc.